

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:18-0167

TROY ALLEN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 19, 2023, the United States of America appeared by Judson C. MacCallum, Assistant United States Attorney, and the defendant, Troy Allen, appeared in person and by his counsel, Rachel E. Zimarowski, Assistant Federal Public Defender, for a hearing on the Petition seeking revocation of supervised release, submitted by Senior United States Probation Officer Patrick M. Fidler. The defendant commenced a three (3) year term of supervised release in this action on January 21, 2022, as more fully set forth in the Judgment in a Criminal Case entered by the court on March 25, 2019.

The court heard the admissions of the defendant, and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release by committing violations in the following respects: (1) on May 4, May 16, and May 25, 2022, the defendant failed to report to the probation office as instructed by the probation officer, and on these same dates the defendant was to provide urine for drug screening and he failed to do so; and, (2) the defendant was instructed by his probation officer on January 24, 2022, to attend two substance abuse counseling sessions per month and the defendant failed to attend any counseling sessions for the months of March, April and May, 2022; all as admitted by the defendant, and all as set forth in the petition on supervised release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

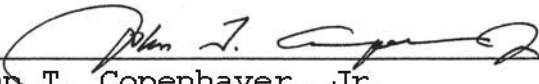
And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, sentenced to a term of TIME SERVED, which time served shall include any such time until a bed is available to the defendant at Dismas Charities halfway house, to be followed by THIRTY (30) MONTHS of supervised release upon the same terms and conditions as heretofore with the additional condition that the defendant, immediately upon a bed being available for him at Dismas Charities, be released from custody and directly transported, with the exception set forth below, to Dismas Charities halfway house for a period of not less than 90 days where the defendant must follow all the rules and regulations of the facility. The defendant is to be transported from South Central Regional Jail to Dismas Charities by Linda Nelson, the defendant's aunt, and may, on the same day of his release and transfer, be first brought to the nursing home at 120 Melrose Drive, Glasgow, West Virginia, where his mother is currently residing, for a visit not to exceed four (4) hours from the time of his release but not so long as to

interfere with his appointed arrival time as prescribed by Dismas Charities, which time the Probation Officer will work with Dismas Charities to set in order to allow the defendant the above time to visit his mother.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 21, 2023



John T. Copenhaver, Jr.
Senior United States District Judge